

REMARKS

Claims 1-28 were pending in this application. Claim 7 has been canceled.
Claims 1, 8, 15 and 21 have been amended. Accordingly, claims 1-6 and 8-28 are pending.

Objections

The specification has been objected to. In response, the specification has been amended as requested by the Examiner.

Claim Rejections Under 35 USC §102

Claims 1, 2, 4, 5, 9, 11, 15-17, 20-23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by *Christopherson et al.*, US Publication No. 2002/0095595 (“Christopherson”).

Claim Rejections Under 35 USC §103

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christopherson as applied to claim 2, further in view of the web article “Using XML Based Configuration File in Windows Form Applications” authored by Daniel Olson (“Olson”).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christopherson as applied to claim 2, further in view of the printed publication “Wi-Fi Protected Access: Strong, Standards-based, interoperable security for today’s Wi-Fi networks” prepared by Wi-Fi Alliance on April 29, 2003 (“Wi-Fi”).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopherson as applied to claim 2, further in view of the printed publication “Log files: an extended file service exploiting write-once storage” by Finlayson et al. (“Finlayson”).

Claims 12-14, 18, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopherson as applied to claim 1, further in view of *Takanaka*, US Patent No. 6,411,829 (“Takanaka”).

Claims 10, 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopherson as applied to claims 1 and 21, further in view of “IBM 8MB USB Memory Key – User’s Guide” published by IBM in 2000 (“IMB USB”).

ANALYSIS

Claim 7 has been added to claim 1 and the “log file” element has been added to all the independent claims. Accordingly, the analysis of the pending claims will focus on the rejection of claim 7 and closely related claim 8. All the independent claims (15 and 21) have been amended in a similar manner.

The element of using a log file to communicate the network settings is novel. The Finlayson article was used in combination with the Christopherson reference to create an obviousness rejection for claims 7 and 8. After the decision in *KSR* clarifying obviousness, MPEP section 2141 states:

CONSIDERATION OF APPLICANT'S REBUTTAL EVIDENCE

Office personnel should consider all rebuttal evidence that is timely presented by the applicants when reevaluating any obviousness determination.

Rebuttal evidence may include evidence of “secondary considerations,” such as “commercial success, long felt but unsolved needs, [and] failure of others”(Graham v. John Deere Co., 383 U.S. at 17, 148 USPQ at 467), and may also include evidence of unexpected results. As set forth above, Office personnel must articulate findings of fact that support the rationale relied upon in an obviousness rejection. As a result, applicants are likely to submit evidence to rebut the fact finding made by Office personnel. For example, in the case of a claim to a combination, applicants may submit evidence or argument to demonstrate that:

(A) one of ordinary skill in the art could not have combined the claimed elements by known methods (e.g., due to technological difficulties);

(B) the elements in combination do not merely perform the function that each element performs separately; or

(C) the results of the claimed combination were unexpected.

Using a log file is not an obvious way or form to communicate network settings. Under heading (B) of MPEP section 2141, the elements that are combined (the network setting and a log file) are not merely performing the function that each element performs separately. As Finlayson describes in detail, log files are used for recovery purposes. Changes are noted and are stored in the log file and the log file continues to grow over time. The log file can be analyzed to review the changes and any problems that resulted from the changes. Log files are not used to start systems or to provide network settings as network settings are stored in config files, not log files.

Network settings on the other hand are much more targeted and focused. Again, network settings are stored in config files which are accessed as network settings are required. On the other hand, a log file may have information on virtually any part of the computer. The network settings may, but not necessarily, be a small part of the file.

Accordingly, it does not make logical sense to use a log file as a way to communicate network settings. A log file is large and grows over time and contains all sorts of data related to the computing system. A file with network settings could be quite compact. Much of the data in a log file will be of no use in creating network settings. Related, combing through a log file to find network settings could take a significant period of time while a file with just the desired network setting could be significantly more efficient.

As a result, the log file is now serving a new and different purpose than it served alone: Alone, log files provide information on system changes over time which can be reviewed for error tracking, etc. Log files are not used as a storage place for network settings. Config files are used for storing network settings. According to the independent

claims, log files are now being used to provided network settings. Accordingly, the combination of using a log file to provide network settings is not obvious as log files are not just performing their normal task, but are being put to use on a different task, a task that is not foreseeable or obvious.

As the dependant claims depend from the independent claims and the element of using a log file is missing from the independent claims, it also is missing from the dependant claims. Accordingly, the dependent claims also are not obvious over the cited references.

In view of the above amendment and arguments, the applicant submits the pending application is in condition for allowance and an early action so indicating is respectfully requested.

The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855, under Order No. 30835/306246, from which the undersigned is authorized to draw.

Dated: July 25, 2008

Respectfully submitted,

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